

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

04-CR-6063L
09-CV-6110L

v.

THOMAS T. LOFTON,

Defendant.

Defendant, Thomas T. Lofton (“Lofton”), was convicted after trial of Hobbs Act robbery and related offenses and was sentenced to a substantial term of imprisonment. Lofton appeal was rejected by the United States Court of Appeals for the Second Circuit and his conviction was affirmed, 275 F.Appx. 30 (2d Cir. 2008).

Thereafter, Lofton filed a motion pursuant to 28 U.S.C. § 2255 seeking to vacate the judgment. The Government responded (Dkt. #156) on May 5, 2009.

Lofton now moves (Dkt. #158) to amend his original motion which was filed about a year ago in March 2009. By the proposed amendment, Lofton persists in arguing deficiencies as to the Hobbs Act conviction. Moreover, he does seek to add a claim that trial counsel was ineffective.

CONCLUSION

The Court directs the Government to respond to Lofton's motion to amend (Dkt. #158) by March 22, 2010. That response should consider whether the proposed amendment is timely and, if so, the Government should respond to the merits of the claims.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
February 12, 2010.